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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,783

02/04/2004

Freeman Lewis Farrow

124188-00001

5156

7590

08/02/2005

Miller, Canfield, Paddock and Stone P.L.C.

c/o Robert Kelley Roth

Suite 2500

150 West Jefferson Ave

Detroit, MI 48226

EXAMINER

MAY, ROBERT J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,783	FARROW ET AL.	
	Examiner	Art Unit	
	Robert May	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract contains the claim terminology "comprising". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: elements required for enabling the light to pivot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, & 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tajima (JP62096148). Tajima discloses a light for a motorcycle, a connector that attached the light to the vehicle in which the light pivots or rotates in a direction reverse to the inclination of the motorcycle body in response to the speed and turning radius.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima. Tajima discloses the claimed invention except for left and right lights. It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the disclosed single headlight of Tajima, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Art Unit: 2875

St. Regis Paper Co. v. Bemis Co., 193 USPQ 8 (CA7 1977). Therefore, it would be obvious to one ordinary skill in the art to duplicate or make plural the single headlight of Tajima, because it involves only routine skills in the art.

Claims 2-3, 5, 8, & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of Funabashi (US Pat. 4,356,536). Tajima discloses all the elements of Claim 1 but does not disclose a threaded bolt used to secure a C shaped bracket with side flanges wherein the bracket is rotatable with the bolt. However, Funabashi discloses in Figure 5, a C-shaped bracket 5 with side flanges (5a) for holding a light and a threaded shaft (10) with nut and washer (not labeled in Fig 5) for securing the bracket to the motorcycle, which rotates, with the light bracket (Col. 3, Lines 5-9). This is to enable the correct adjustment of the headlight beam relative to the vehicle body along a horizontal axis by a simple adjustment such as turning a knob positioned external to the assembly (Col. 3, Lines 40-43) which is construed by the office to be a vertical cut-off light. Therefore, it would be obvious to one of ordinary skill to modify the headlight of Tajima with the adjustable light bracket of Funabashi in order to enable a convenient way of adjustment of the light along a horizontal axis and vertical axis relative to the motorcycle body.

Claims 4 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of Funabashi as applied to claims 2-3, & 5 above, and further in view of Carlson (US Pat. 1,543,150).

In regard to Claim 4, Tajima in view of Funabashi does not disclose a hollow bolt with wiring disposed within electrically connecting the light to the source of electricity. However, Carlson discloses in Fig 3, a threaded hollow post (9) with light wire 25 led within from the light through to the battery. This would reduce the external exposure of wires of a rotating system secured by a bolt like connection mechanism. Also, Therefore, it would be obvious to modify the teachings of Tajima in view of Funabashi with the threaded hollow post of Carlson in order to have a rotating assembly that does not exposed wires to the outside environment, which could potentially damage the wires.

In regard to Claim 6, Tajima in view of Funabashi does not explicitly disclose a bearing, however the joint between the post (9) and the standard (14) acts as a support for a rotating member and is construed by the office to be a bearing assembly. This allows the light support to rotate with respect to the vehicle body. Therefore, it would be obvious to one of ordinary skill in the art to modify the light of Tajima in view of Funabashi with the hollow post and bearing assembly of Carlson in order to allow the motorcycle headlight rotate with respect to the vehicle body.

Allowable Subject Matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a connector that is L shaped for connecting the light to the body of the vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alphen (US Pat. 3,939,339) discloses a lighting system for a motorcycle, which rotates about an axis in a forward and downward manner relative to the optical axis of the headlight in response to centrifugal force when the motorcycle is turning. Miyauchi (US Pat. 4,868,720) discloses a sensing system for a vehicle headlamp. Jones (US Pat. 5,426,571) discloses a motorcycle headlight aiming device which uses a microprocessor with sensors to aim the headlight. Lewis (PG Pub 2004/0246732) discloses a self-adjusting motorcycle headlight using a lean sensing device such as a gyroscope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALAN CARIASO
PRIMARY EXAMINER